

## Legislation Text

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**File #:** 24-609, **Version:** 1

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**PRESENTER:**

Applicant: Two Eleven Investments, LLC, Kristy Russo, DBA

Owner: Excalibur Properties 723

**SUBJECT:**

**SUP24-090** Public hearing and recommendation to City Council to rezone 0.1275 acres out of City Block 5101, Lot S 101 of W 55 of Lot 91 from M-1 (Light Industrial District) to M-1 SUP (Light Industrial District, with a Special Use Permit for Short-Term Rental of a Residence), currently addressed as 311 E Torrey St.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** 4

**BACKGROUND INFORMATION:**

Case No: SUP24-090

Applicant: Two Eleven Investments, LLC, Kristy Russo, DBA  
2733 Ridge Path Dr  
New Braunfels, TX 78130  
(210) 274-3556 | kristywilson210@yahoo.com

Owner: Excalibur Properties 723  
2872 Morningside Dr  
New Braunfels, TX 78130  
excaliburproperties723@gmail.com

Staff Contact: Amanda Mushinski  
(830) 221-4056 | amushinski@newbraunfels.gov

The subject property is 0.1275 acres located on the north corner of the intersection of E Torrey St and N Central Ave, approximately 3 blocks northwest of the intersection of N Central Ave and Gruene Rd, and approximately 3 blocks southwest of Torrey Park.

The 1950s residence is roughly 928 square feet in total interior livable area with 3 bedrooms and 2 bathrooms. This Special Use Permit (SUP) application is proposed to allow the short-term rental (STR) of the existing home.

Per the Zoning Ordinance, the maximum occupancy of a STR with a total of 3 bedrooms and 2 bathrooms is 8 occupants, and the minimum off-street parking is 3 spaces. Based on the current condition of the property, the applicant will be required to pave 3 parking spaces before the issuance of a Short-Term Rental Permit.

The property has been issued a citation for operating a short-term rental without the Special Use Permit and necessary registration.

*Surrounding Zoning and Land Use:*

North	M-1	Single-Family Residences
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South	Across Torrey & Central: R-2	Single-Family Residences
East	Across Torrey: M-1	Single-Family Residence
West	Across Central: M-1	Single-Family Residences

**ISSUE:**

The proposed rezoning to apply the Special Use Permit is consistent with the following actions from Envision New Braunfels:

- **Action 1.3:** Encourage balanced and fiscally responsible land-use patterns.
- **Action 1.14:** Ensure regulations do not unintentionally inhibit the provisions of a variety of flexible and innovative lodging options and attractions.

**Future Land Use Plan:** The subject property is located within the New Braunfels Sub Area, near existing Outdoor Recreation, Medical, Tourist, and Education Centers.

Short-term rental standards in the Zoning Ordinance help to ensure proper measures are in place to protect public health, safety, and neighboring properties. If this rezoning request is approved, the registration of the short-term rental and online payment of hotel occupancy taxes are required. Also, the project must comply with all other City Code standards.

There are currently 6 approved short-term rental SUPs within one-half mile of the subject property, 2 active.

**STRATEGIC PLAN REFERENCE:**

- Economic Mobility
- Enhanced Connectivity
- Community Identity
- Organizational Excellence
- Community Well-Being
- N/A

- Identify and secure a mid-to-long-term leasing or ownership opportunity for a business incubator to help foster the development of new, locally grown businesses and support entrepreneurship.

**FISCAL IMPACT:**

If approved, the property will be subject to local and state hotel occupancy tax (HOT).

**RECOMMENDATION:**

Approval with the following conditions:

1. The residential character of the property must be maintained.
2. The property will remain in compliance with the approved site plan and floor plan. Any significant changes to the site plan or floor plan will require a revision to the SUP.
3. A paved driveway with three paved parking spaces must be available for use before issuing a Short-Term Rental Permit.

*Mailed notification as required by state statute:*

Public hearing notices were sent to 16 property owners within 200 feet of the request. As of the date of the agenda posting, the city has received responses representing 9% in opposition.

Resource Links:

- Chapter 144, Sec. 3.3-11 (M-1) of the City’s Code of Ordinances:

[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)

- Chapter 144, Sec. 3.6 (SUP) of the City's Code of Ordinances:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)
- Chapter 144, Sec. 5.17 (Short-term Rental) of the City's Code of Ordinances:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)